

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDWARD N. LEVINE,

Defendant.

Case No.: 2:14-cv-0127-GMN-VCF

**ORDER**

Pending before the Court is the Government's Motion to Admit Deposition Testimony at Trial. (ECF No. 117). Defendant Edward N. Levine filed a Non-Opposition. (ECF No. 118).

On April 2, 2014, a federal grand jury sitting in the District of Nevada returned an Indictment charging Defendant the following counts: (1) Conspiracy to Violate the Lacey Act and the Endangered Species Act, in violation of 18 U.S.C. § 371; and (2) Lacey Act violation, in violation of 16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(B). (ECF No. 12). On February 24, 2016, the Government filed a Motion to Take Deposition from Jay Conrad because of the materiality of Mr. Conrad's testimony to the case and his illness that prevented him from traveling. (ECF No. 109). On March 3, 2016, Magistrate Judge Cam Ferenbach granted this Motion. (ECF No. 111). The Government's instant Motion requests this Court admit Mr. Conrad's deposition testimony at trial, as Defendant's counsel was present to cross-examine Mr. Conrad during the deposition and Mr. Conrad has now passed away. (ECF No. 117).

The Court notes the disappointing quality of the Government's Motion, which erroneously cites Federal Rule of Civil Procedure 32 as Federal Rule of Evidence 32 and consistently conflates the Federal Rules of Civil and Criminal Procedure. (*See id.*). However,

1 as Defendant has filed a non-opposition, the Court will nevertheless grant the Government's  
2 Motion. Accordingly,

3 **IT IS HEREBY ORDERED** that Government's Motion to Admit Deposition  
4 Testimony at Trial (ECF No. 117) is **GRANTED**.

5 **DATED** this 31st day of May, 2016.

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10 Gloria M. Navarro, Chief Judge  
11 United States District Court  
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